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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,267	11/04/2003	Soleyman Kahen	L8400-01005	5008
33108	7590	07/27/2005	EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH, LLP 10940 WILSHIRE BOULEVARD LOS ANGELES, CA 90024-4450			BELLINGER, JASON R	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/701,267

Applicant(s)

KAHEN, SOLEYMAN

Examiner

Jason R. Bellinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 6,15-17,19-23 and 25-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-14,18,24 and 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

1. Applicant's election without traverse of species A, subspecies I, drawn to Figures 1-12 in the reply filed on 12 May 2005 is acknowledged.

2. Claims 6, 15-17, 19, 21-23, and 25-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and subspecies, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12 May 2005.

It should also be noted that claim 20 is withdrawn from further consideration, due to the fact that it is drawn to subject matter not present in the elected embodiment, namely the hand hole for manual movement of the traction arms (which is an element of non-elected subspecies II).

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "13" has been used to designate both the traction arms in Figures 1-2 and the hubcap in Figure 8.

In Figure 9, reference character "32" has been used to designate both the U-shaped bracket and the slot in the disc-like body. Also in Figure 9, reference character "37" has been used to designate both a "channel" in the outer shell and an unidentified element on the outer shell.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 14", 15", 19", 20", and 22". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

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action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 53, 25', 24", and 123. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because In Figures 13-14, reference character "37" should be replaced with reference character --38--. In Figure 30, reference character "111" should be replaced with reference character --110--. These corrections are to make the drawings correspond to the description of the invention in the specification

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "comprising", "means", and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

8. The disclosure is objected to because of the following informalities: In line 22 of page 9, reference character "23" should be replaced with reference character --23'-- to correspond to the drawings.

Appropriate correction is required.

### ***Claim Objections***

9. Claims 1 and 10 are objected to because of the following informalities: In line 4 of claim 1, the term "radically" should be replaced with the term --radially--. In line 2 of claim 10, the term "pension" should be replaced with the term --pinion--.

These corrections are to correct minor spelling errors. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

11. Claims 1-5, 7-14, 18, 24, and 36-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite due to the fact that it is unclear how the traction elements "lie alongside" the tire in a retracted position. No direction (such as radially, axially, etc.) has been given to clearly describe this limitation.

Claim 4 is indefinite due to the fact that it is unclear what is being claimed by the limitation that the traction elements are generally L-shaped "when free". It is unclear what is actually being claimed by the phrase "when free".

Claim 24 is indefinite due to the fact that it is unclear what element of the invention the term "each" is describing in line 2 of the claim. It is unclear whether the term "each" is describing the power actuators, the body, the traction arms, or another element of the invention.

12. Claim 11 recites the limitation "said actuators drive pinion gears" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. This limitation has not been previously set forth in the claims.

13. Claim 18 recites the limitation "said shafts" in line 1. There is insufficient antecedent basis for this limitation in the claim. This limitation has not been previously set forth in the claims. Furthermore, it is unclear what element of the invention is associated with "said shafts".

### ***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.



15. Claims 1-5, 8, 10-12, 18, 24, 36, and 39-40 rejected under 35 U.S.C. 102(b) as being anticipated by Rona. Rona shows a safety tire device R mounted on a vehicle wheel 2 with a tire 3 mounted thereon, the tire 3 having a tread for engaging a supporting surface (i.e. the ground). The device R includes a body 6 mountable on the side 8 of the wheel 2, and a plurality of radially extending traction arms 14. The traction arms 14 include traction elements 56 on the outer ends of the arms 14. The traction arms 14 are mounted on the body 6 for movement between a retracted position, in which the traction elements lie alongside the tire 3, and an extended position in which the traction elements 56 overlie the tread portion of the tire 3 (see Figures 3-4). Power actuators (30, 32, 34, 36, 38 and generally indicated as 18) mounted on the body 6 are drivingly connected to the traction arms 14 to move the arms 14 between the retracted and extended positions.

The traction arms 14 are elongated plastic arms 44, with integrally formed traction elements 56 at the outer end portions of the arms 14. The traction elements 56 are joined to the arms 44 by integral bends to generally follow the contour of the tire 3 (see Figures 1 & 4). When extended, the traction arms 14 are generally L-shaped, with the traction elements 56 joined to the traction arms 14 by ninety degree bends. The traction arms 14 are arcuately curved.

The traction elements 56 are formed as bumps to increasing traction between the arms 14 and the surface. The power actuators 18 are connected to the arms 14 by rack-and-pinion drive couplings (50, 52, 54) for extending and retracting the traction arms 14. The actuators 18 include drive pinion gears 54 that engage racks (50, 52) formed in the

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traction arms 14. The actuators 18 include an electric rotary motor 30 mounted alongside the traction arms 14 on the body 6, an output gear 54, and a source of power. The electric motor 30 drives two pinion gears (92, 96) that engage two racks (50, 52) on the traction arms 14.

As best understood, the body 44 of the traction arms 14 is shafts that are flexible to accommodate lateral movement of the traction elements 56. A remote control (see column 7, lines 29-58) activates the power actuators 18, and includes a receiver for activating the power actuators 18 in response to signals from the remote control.

### ***Claim Rejections - 35 USC § 103***

**16.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**17.** Claims 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rona. Rona contains all of the limitations as set forth in paragraph 15 above, but does not show the device including a battery pack as a power source and a heater. One of ordinary skill in the art at the time of the invention would have found it obvious to provide a battery pack for the electric motor, in order to provide a dedicated source of power for the device without having to tap into the electrical system of the vehicle.

One of ordinary skill in the art at the time of the invention would further have found it obvious to provide a heater for the device for the purpose of preventing the build-up of ice and snow on the traction device.

18. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rona as applied to claims 1-5, 8, 10-12, 24, 36-37, and 39-41 above, and further in view of Tanaka. Rona does not show the traction elements formed as enlarged flat pads including openings therein on the outer ends of the traction arms.

In Figure 10, Tanaka teaches the use of a traction arms including traction elements (35c, 35d, 35e) formed as enlarge flat pads that include openings therein (between each element 35d) to increase the traction between the elements (35c, 35d, 35e) and the surface. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the traction elements of Rona as enlarged flat pads with openings therein for the purpose of increasing the amount of surface area in which the traction elements contact the surface, thus increasing the traction force of the traction device.

***Allowable Subject Matter***

19. Claim 13-14 and 38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

**Conclusion**

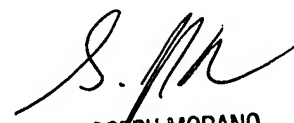
20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered to show traction devices including retractable traction arms. For example, Ziccardi et al shows a device of the type described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger  
Examiner  
Art Unit 3617

  
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